

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities, LLC,

Plaintiff,

v.

SCOTT MILLER,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04909 (SMB)

STIPULATION TO AMENDMENT

IT IS HEREBY STIPULATED AND AGREED, by and between Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff on the one hand, and Scott Miller (“Defendant”) on the other hand, in each case by and through their respective attorneys, as follows:

1. On December 2, 2010, the above-captioned adversary proceeding was commenced by the Trustee against Defendant.

2. On August 1, 2011, Defendant timely served and filed his Answer to the Trustee's Complaint in this matter.

3. Following the completion of certain portions of fact discovery, and pursuant to Federal Rule of Civil Procedure 15(a)(2) and Federal Rule of Bankruptcy Procedure 7015, Defendant has requested the Trustee's consent to an amendment of Defendant's Answer, which consent the Trustee has provided. This Stipulation confirms the Trustee's consent in this regard.

4. Furthermore, and also pursuant to Federal Rule of Civil Procedure 15(a)(2) and Federal Rule of Bankruptcy Procedure 7015, the Trustee has requested Defendant's consent to an amendment of the Trustee's Complaint if the Trustee should determine that such amendment is necessary following the conduct of additional fact discovery, and Defendant has also provided that consent. This Stipulation confirms Defendant's consent in this regard.

5. As a product of the parties' stipulated consent to amendment, Defendant shall have until Wednesday, November 26, 2014 to serve and file his Amended Answer in this action.

Dated: November 21, 2014

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